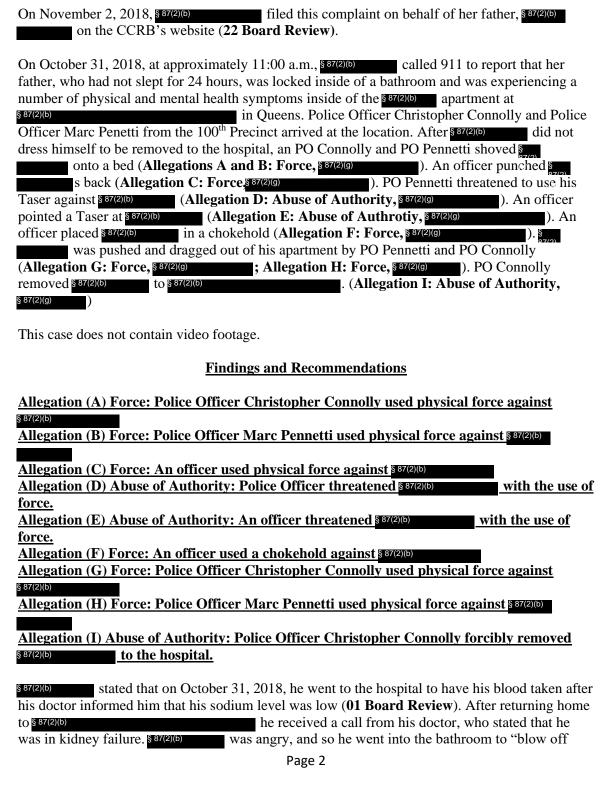
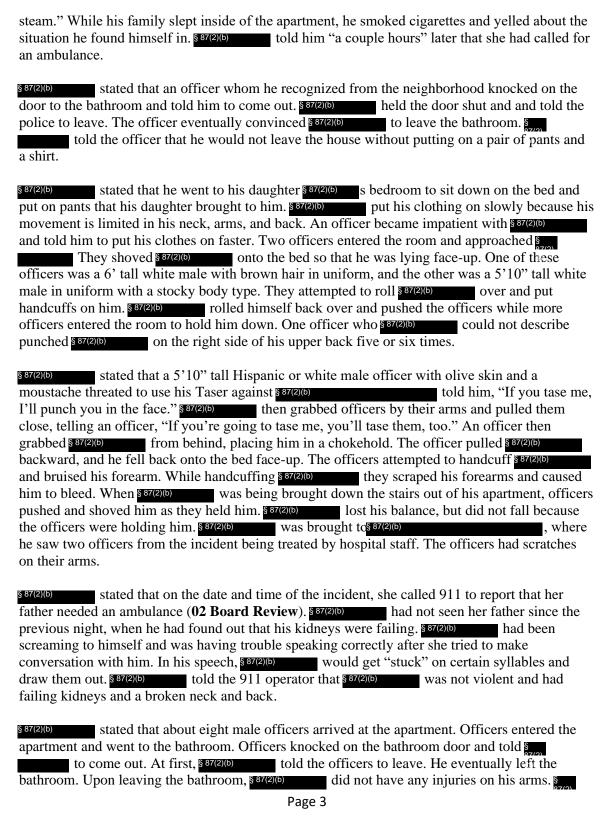
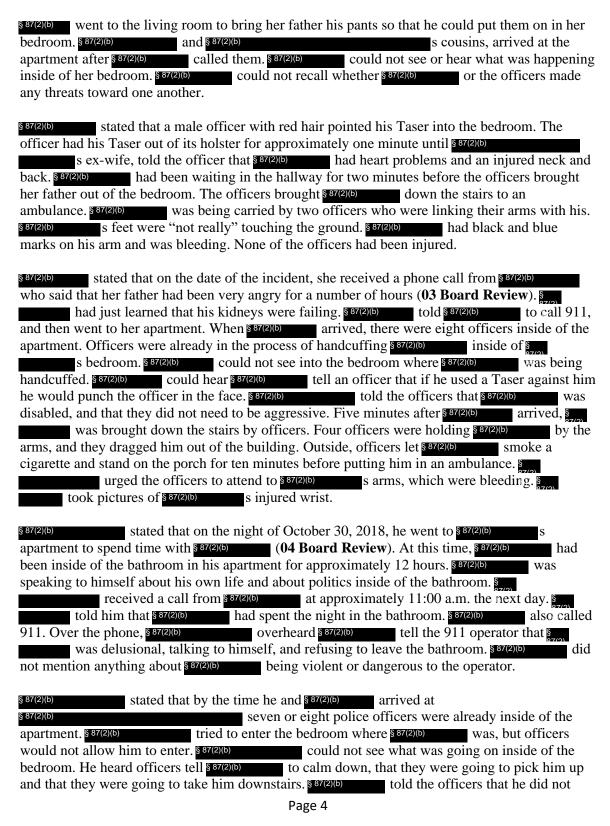
## CCRB INVESTIGATIVE RECOMMENDATION

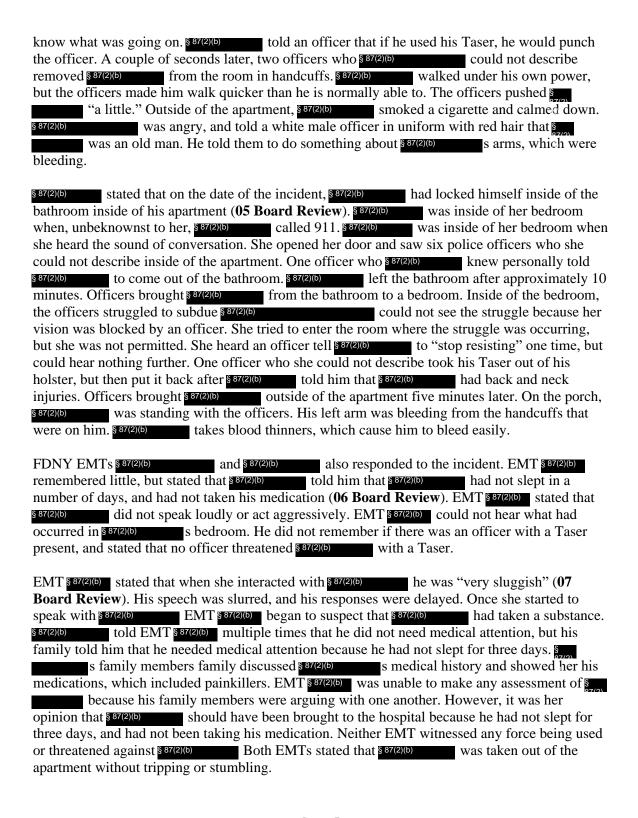
| Investigator:                  |  | Team:   | CCRB Case #:                             | Ø    | Force     | Discourt       | . U.S.     |
|--------------------------------|--|---|--|------|-----------|----------------|------------|
| Zev Carter                     |  | Squad #3  | 201809160                                | Ø    | Abuse     | O.L.           | ☐ Injury   |
| Incident Date(s)               |  | Location of Incident:                             | •  | P    | recinct:  | 18 Mo. SOL     | EO SOL     |
| Wednesday, 10/31/2018 11:00 AM | M  |   |  |      | 100       | 4/30/2020      | 12/15/2020 |
| Date/Time CV Reported          |  | CV Reported At:                                   | How CV Reported:                         | :    | Date/Time | Received at CO | CRB        |
| Fri, 11/02/2018 12:25 PM CCRB  |  | CCRB  | On-line website Fri, 11/02/2018 12:25 PM |      | [         |                |            |
| Complainant/Victim             | Type   | Home Addre  | ess                                      |      |           |                |            |
|                                |  |   |  |      |           |                |            |
| Witness(es)                    |  | Home Addre  | ess                                      |      |           |                |            |
|                                |  |   |  |      |           |                |            |
|                                |  |   |  |      |           |                |            |
|                                |  |   |  |      |           |                |            |
|                                |  |   |  |      |           |                |            |
| Subject Officer(s)             | Shield   | TaxID   | Command                                  |      |           |                |            |
| 1. POM Christophe Connolly     | 15742  | 957481  | 100 PCT                                  |      |           |                |            |
| 2. POM Marc Pennetti           | 21315  | 961086  | 100 PCT                                  |      |           |                |            |
| 3. An officer                  |  |   |  |      |           |                |            |
| Witness Officer(s)             | Shield N   | o Tax No  | Cmd Name                                 |      |           |                |            |
| 1. SGT Brian Kim               | 01245  | 924683  | 100 PCT                                  |      |           |                |            |
| Officer(s)                     | Allegatio  | on  |  |      | Inve      | stigator Reco  | mmendation |
| A.POM Christophe Connolly      | Force: Police Officer Christopher Connolly used physical force against \$\mathbb{8}^{87(2)(b)}\$ |   |  |      | 1         |                |            |
| B.POM Marc Pennetti            | Force: Poagainst § 8   | olice Officer Marc Penn                           | etti used physical for                   | rce  |           |                |            |
| C. An officer                  | Force: Ai  | n officer used physical t                         | force against § 87(2)(b)                 |      |           |                |            |
| D.POM Marc Pennetti            |  | olice Officer Marc Peni<br>with the use of force. | netti threatened § 87(2)                 | (b)  |           |                |            |
| E. An officer                  | Abuse: An officer threatened §87(2)(b) with the use of force.                                    |   |  |      |           |                |            |
| F. An officer                  | Force: A   | n officer used a chokeho                          | old against § 87(2)(b)                   |      |           |                |            |
| G.POM Christophe Connolly      |  | olice Officer Christophe<br>inst § 87(2)(b)       | r Connolly used phy                      | sica | 1         |                |            |
| H.POM Marc Pennetti            | Force: Poagainst § 8   | olice Officer Marc Penn<br>97(2)(b)               | etti used physical for                   | rce  |           |                |            |
| I.POM Christophe Connolly      | Abuse: Premoved  | olice Officer Christophe<br>§ 87(2)(b) to the     | er Connolly forcibly hospital.           |      |           |                |            |

## **Case Summary**









| PO Connolly and PO Pennetti both stated that upon arriving at   |              |
|---|--------------|
| they were met by \$37(2)(b) (08, 09 Board Review). She told them that \$37(2)(b) had locked himself in the bathroom for 12 hours and had not taken any of his medications. PO Connolly stated that \$37(2)(b) said that \$37(2)(b) had not slept for four days, had been drinking, and had been diagnosed with liver failure. In addition, PO Pennetti stated that \$37(2)(b) told him that \$37(2)(b) hadn't eaten for "a few days."   |              |
| The officers then directed their attention to the bathroom. They spoke to \$\frac{87(2)(b)}{2}\$ through the closed door. PO Connolly stated that he asked \$\frac{87(2)(b)}{2}\$ what was going on, why he was in the bathroom, when it was that he went to the hospital last, and if he had taken his medication. P Connolly could tell by \$\frac{87(2)(b)}{2}\$ s slurred responses to this questions that he was intoxicated "groggy," and stand-offish. PO Pennetti stated that during this time, \$\frac{87(2)(b)}{2}\$ repeatedly said that he wanted to die. PO Connolly stated that after speaking to \$\frac{87(2)(b)}{2}\$ for approximately five minutes, \$\frac{87(2)(b)}{2}\$ left the bathroom. Both officers stated that \$\frac{87(2)(b)}{2}\$ was initially willing to go to the hospital.  | O<br>,<br>d  |
| Both PO Pennetti and PO Connolly stated that they brought \$87(2)(b) to \$87(2)(b) s bedroom. PO Connolly stated that inside of \$87(2)(b) s bedroom, \$87(2)(b) told the officers to kill him. Both PO Pennetti and PO Connolly stated that \$87(2)(b) announced that the officers tried to bring him to the hospital, he would fight them.  | if           |
| PO Connolly stated that after was dressed, he stood up and faced the officers. He said, "I'm not going to the hospital, I'm going to fight you." Both officers started to walk towards PO Connolly had his arms outstretched towards PO Connolly and PO Pennetti were consistent in their statements that \$\frac{87(2)(0)}{2}\$ then jumped onto his bed facedown and hid his hands under his torso. PO Pennetti stated that in response, he said, "Taser?" an shrugged at PO Connolly as though to ask whether he should use it. PO Connolly did not respond, and there was no further discussion of a Taser. Both officers stated that they grabbed swrists and lower arms, which were covered in lesions. PO Connolly stated that as he and PO Pennetti grabbed \$\frac{87(2)(0)}{2}\$ s arms, these lesions burst and started to bleed. Both officers stated that once one of \$\frac{87(2)(0)}{2}\$ s wrists was in handcuffs, he grabbed the other handcuff, with his fingers. The officers were able to take the handcuff out of \$\frac{87(2)(0)}{2}\$ s arm and brought him to his feet. PO Connolly stated that it was possible that \$\frac{87(2)(0)}{2}\$ s arms were scraped by handcuffs when the officers were trying to restrain him. Neither PO Connolly nor PO Pennetti were able to say with certainty whether any other officers were inside of the bedroom with them while \$\frac{87(2)(0)}{2}\$ was being handcuffed. They could not identify any other officers who were present, except for Sergeant Bryan Kim from the 100th Precinct. | -<br>ıd<br>s |
| Sgt. Kim stated that he heard a radio run about an emotionally disturbed person inside of a bathroom at \$\frac{87(2)(b)}{2}\$ Sgt. Kim heard the call and assumed that the person was not coming out of the bathroom, which would have been a serious problem. Sgt. Kim was going to respond to the call, but then heard PO Pennetti and PO Connolly request no further units at \$\frac{87(2)(b)}{2}\$ After waiting 10 minutes without an update, he drove to the location to check in (10 Board Review). When Sgt. Kim arrived at the apartment,  |              |

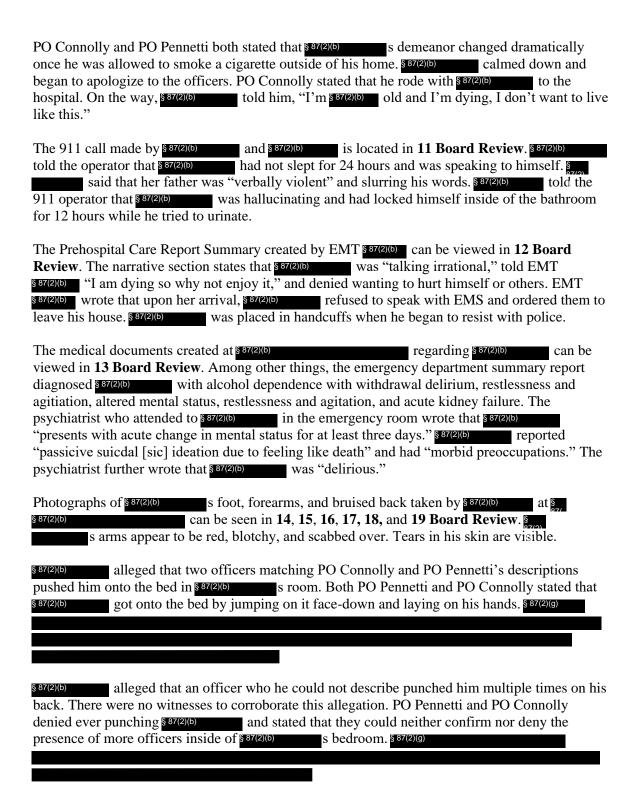
Sgt. Kim stated that by the time he arrived, the decision to remove \( \frac{8.97(2)(5)}{2.00} \) to the hospital had already been made. An officer told Sgt. Kim that §87(2)(b) had come out of the bathroom when he was asked to. EMTs were already present inside of the apartment, and one EMT told Sgt. Kim, "He's got to go to the hospital." \$87(2)(b) told Sgt. Kim that \$87(2)(b) acting irrationally and he had not taken his medication. Sgt. Kim did not know what this medication was prescribed to \$37(2)(b) for. Sgt. Kim spoke to either PO Connolly or PO Pennetti and learned that \$87(2)(b) was having "mental problems." \$87(2)(b) was "not exactly violent." Sgt. Kim learned that \$87(2)(b) changed his mind and said that he did not want to go to the hospital for an evaluation. He learned that \$87(2)(b) was hiding his hands when the officers tried to handcuff him. §87(2)(6) also had a skin condition on his arms and legs. Sgt. Kim never entered the bedroom where § 87(2)(b) was put into handcuffs. He could not recall if officers had any difficulty handcuffing \$87(2)(b) ■ Sgt. Kim could not recall which officers were inside of \$87(2)(b) s bedroom with \$87(2)(b) Sgt. Kim, PO Connolly, and PO Pennetti each stated that §87(2)(b) s arms were bleeding as he was removed from the bedroom. Each officer denied that \$87(2)(b) was punched, placed in a chokehold, or shoved while he was in the bedroom. PO Connolly stated that the stairwell was to §87(2)(b) s apartment was so tight that only he could walk \$87(2)(b) down the stairs. To avoid contact with \$87(2)(b) s blood, he only s shirt as he walked him down the stairs. § 87(2)(b) could not walk well, and he stumbled as he descended the stairs, but \$87(2)(b) did not fall or hit the ground when he was going down the stairs. PO Pennetti stated that he did not see \$87(2)(b) being taken down the stairs because he had returned to the bathroom to reclaim a polycarbonate shield that he initially brought inside of the apartment. In the meantime, PO Connolly had already brought § 87(2)(b) down the stairs. Sgt. Kim did not remember how \$87(2)(b) was brought down the stairs. PO Connolly stated that it was his decision to remove \$87(2)(b) to the hospital. He believed was a threat to himself and others because he had locked himself in the told him that § 87(2)(b) bathroom for twelve hours, and because § 87(2)(b) had not slept in four days. PO Pennetti stated that he believed \$87(2)(6) was emotionally disturbed because he had not eaten or taken his medication. PO Pennetti could tell that \$37(2)(5) was under emotional stress, but he did not believe that § 87(2)(b) was a threat to himself or to others. Sgt. Kim believed that § 87(2)(b) was a threat to himself and to others because his family members had said that he was mentally ill and had not taken medication. He never learned what this medication was for. Sgt. Kim also believed this because \$87(2)(b) had locked himself in his bathroom and did not want to receive medical care. Sgt. Kim also believed that \$87(2)(b)

there was at least one unit in addition to PO Connolly and PO Pennetti who were present. Sgt.

Kim could not identify any other officers who were present.

Page 7

needed immediate medical attention, which he had previously neglected to seek for himself.



| § 87(2)(g)  |
|---|
|   |
|   |
|   |
|   |
|   |
|   |
| stated than a male officer with red hair pointed a Taser into her bedroom, where was being dressed and later handcuffed. No officers interviewed for this case could identify any additional units who were present. \$87(2)(9)   |
| alleged that he was placed in a chokehold by an officer who he could not identify. PO Pennetti and PO Connolly could not identify any other officers inside of the room with them when \$87(2)(b) was being handcuffed, and both officers denied using a chokehold.   |
|   |
|   |
| alleged that he was pushed and shoved down the stairs to his apartment by officers who matched PO Connolly and PO Pennetti's descriptions. However, PO Connolly and PO Pennetti denied using force against \$87(2)(6) in this manner. \$87(2)(9)  |
|   |
| NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person as one "who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others" (20 Board Review). Officers are instructed to take emotionally disturbed persons into custody and escort them to the hospital for treatment. |
| § 87(2)(g)  |
|   |
|   |
|   |
|   |
|   |
|   |
|   |

## Civilian and Officer CCRB Histories

- This is the first complaint to which \$87(2)(b) has been a party.
- PO Pennetti has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Connolly has been a member of service for four years and has been a subject in one other complaint and two other allegations, neither of which were substantiated.

## **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation because \$87(2)(b) initially stated that he planned to file a notice of claim.
- As of February 21, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**21 Board Review**).
- According to a BADS search made on February 21, 2019, [87(2)(6)] does not have a history of arrest or criminal prosecution in New York City.

| Squad No.:    |           |                    |      |
|---------------|-----------|--------------------|------|
| Investigator: | Signature | Print Title & Name | Date |
| Squad Leader: | Signature | Print Title & Name | Date |
| Reviewer:     | Signature | Print Title & Name | Date |

Page 10